The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDRES A. MUNT-LOVELL NICHOLAS P. MUNT-LOVELL Plaintiffs, v. THE INTERNATIONAL CAT ASSOCIATION, et al. Defendants.	Case No. 2:25-cv-01665 PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS NOTE ON MOTION CALENDAR: FEBRUARY 19, 2026

I. INTRODUCTION

Defendants' Motion to Dismiss does not fully engage with the First Amended Complaint ("FAC") as it was filed in this action. Instead, the Motion proceeds from a narrowed and selective reading of the pleading, overlooking several central factual allegations and addressing issues that are not presented by the FAC itself. As a result, the Motion analyzes a version of the claims that differs in material respects from the operative complaint before the Court. Rule 12(b)(6) review, however, must be grounded in the allegations actually pled.

More broadly, the Motion rests on assumptions that discount well-pleaded factual allegations that must be accepted as true at this stage and reframes factual disputes as pleading deficiencies. In doing so, it applies a standard closer to evidentiary proof than plausibility. When

the FAC is read as Rule 12(b)(6) requires—holistically and with reasonable inferences drawn in Plaintiffs' favor - it plausibly alleges each claim asserted.

Defendants' Motion should be denied.

II. BACKGROUND

Plaintiffs were long-standing members of TICA who organized multiple successful events and were entrusted with hosting the 2023 Annual. The FAC alleges that Defendants – acting jointly and with shared knowledge – engaged in a sustained course of conduct that included:

- disseminating false statements about Plaintiffs' character and conduct,
- interfering with Plaintiffs' financial accounts and vendor relationships,
- initiating disciplinary action without notice or due process, and
- authorizing and maintaining a retaliatory lawsuit in California immediately after Plaintiffs sought resolution.

These allegations are detailed, chronological, and supported by specific facts, communications, and participants.

III. LEGAL STANDARD

A complaint survives a motion to dismiss when it alleges sufficient factual matter, accepted as true, to state a claim that is plausible on its face. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). At this stage, the Court must draw all reasonable inferences in Plaintiffs' favor and may not resolve factual disputes or weigh credibility.

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Defendants' Motion conflates pleading with proof by demanding evidentiary detail rather than plausibly alleged facts. That approach misstates the Rule 12(b)(6) standard.

IV. DEFENDANTS FAILED TO COMPLY WITH THE COURT'S MEET-AND-CONFER REQUIREMENT

The Court's standing order requires that any party contemplating a motion must "contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution." The Court "construes this requirement strictly," and filings not in compliance "may be stricken."

Defendants did not comply.

The parties conducted their Rule 26(f) conference on January 14, 2026. During that discussion, Defendants did not identify any intent to file a Rule 12(b)(6) motion, did not raise alleged pleading deficiencies, and did not seek to discuss the substance of any issues now presented. Their only reference to forthcoming filings was a general statement that a "responsive pleading" would be submitted.

Plaintiffs proactively offered and granted an initial extension after Defendants' responses were already nearly a week overdue, and subsequently, granted a second seven-day extension at defense counsel's request.

At no point did Defendants request or initiate a substantive meet-and-confer regarding dismissal. The Motion contains no declaration describing any such discussion, because none occurred.

This lack of engagement mirrors the broader course of conduct alleged in the FAC. Plaintiffs repeatedly sought notice of charges, documentation, and a meaningful opportunity to

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respond, including outreach in August 2025 aimed at resolution without litigation. That outreach was ignored. Instead, Defendants authorized and pursued a California lawsuit that Plaintiffs promptly identified as defective and warned would give rise to an abuse-of-process claim absent good-faith discussion. Defendants did not respond and proceeded with defective service.

Defendants' emphasis on alleged procedural defects is particularly misplaced given their own failure to comply with the Court's standing order requiring a meaningful meet-and-confer before filing a dispositive motion. Procedural rigor is not a one-way obligation.

Plaintiffs raise this issue not for procedural advantage, but because meaningful meet-and-confer is a prerequisite to motion practice in this Court. Defendants elected not to undertake that engagement before filing their Motion.

V. DEFENDANTS' RULE 8 ARGUMENT MISAPPREHENDS THE STANDARD

Defendants' Rule 8 argument ignores how the First Amended Complaint was pled and what Rule 8 requires. Plaintiffs did not "shotgun" claims or rely on labels. As pro se litigants, Plaintiffs were deliberate in narrowing their claims, organizing them chronologically, and pleading specific facts so as not to waste the Court's or counsel's time. The FAC reflects a conscious effort to allege only claims Plaintiffs understood, believed to be factually supported, and could articulate clearly.

Rule 8 requires clarity and fair notice, not brevity for its own sake. The FAC is structured, chronological, and identifies the defendants, the conduct attributed to each, the relevant timeframes, and the resulting harms. Defendants' motion itself confirms they understand the claims well enough to respond in detail, defeating any assertion that the FAC is unintelligible or fails to provide notice. See Henry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996).

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Defendants rely on cases involving pleadings that were largely unintelligible or left the court unable to discern the nature of the claims. That is not this case. Detail is not a Rule 8 violation where, as here, it serves to plead plausibility rather than conclusions. See Twombly, 550 U.S. at 555. Rule 8 does not prohibit multiple claims arising from a common factual nucleus, nor require artificial compartmentalization of facts.

Plaintiffs' pro se status does not change this analysis. While pro se litigants must follow the rules, the FAC does so. Defendants' request to dismiss a coherent, fact-rich pleading under Rule 8 seeks to impose a heightened or stylistic pleading standard not recognized by the Federal Rules. Dismissal on Rule 8 grounds is reserved for pleadings that are incoherent or impossible to answer. This is neither.

Defendants' Motion confirms they understand the allegations; they simply dispute them.

VI. DEFENDANTS' EXTRA-PLEADING MATERIALS MUST BE DISREGARDED

Defendants rely on unrelated protection-order filings that both predate and postdate the events at issue. These materials are not referenced in the FAC, are not integral to Plaintiffs' claims, and have no temporal or factual connection to the conduct alleged. They are offered solely to invite credibility determinations and adverse factual inferences at the pleading stage, which Rule 12(b)(6) does not permit. The Court should disregard these extra-pleading materials. Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998–1002 (9th Cir. 2018).

Defendants' reliance on temporally remote protection-order filings underscores that their Motion turns on credibility disputes rather than pleading deficiencies.

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VII. PLAINTIFFS HAVE ADEQUATELY PLED EACH CLAIM

Defendants' Rule 12 arguments are selective, conflate distinct issues, and assume away factual allegations that must be accepted as true. When the FAC is read under the proper standard, each claim is sufficiently pled.

A. Defamation and False Light

Defendants' defamation and false light arguments misstate both the FAC and the pleading standard. They rely on unrelated protection-order filings from 2020 and 2024 to argue truth, but those materials are extraneous, not incorporated by reference, and cannot be considered for their truth on a Rule 12(b)(6) motion. Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998–1002 (9th Cir. 2018). Even if considered, past mental-health or substance-use history does not render false accusations of current drug abuse, embezzlement, or animal abuse true. The FAC alleges Defendants knowingly made those accusations in connection with the 2023 Annual, causing reputational and professional harm. FAC ¶¶ 98–121.

The FAC adequately pleads publication, falsity, fault, and harm. It identifies the speakers, substance, audiences, and time frame of the statements. FAC ¶¶ 103–121, 148–156. Rule 8 does not require naming every recipient, particularly where disclosure would expose third parties to retaliation in a small professional community. Life Designs Ranch, Inc. v. Sommer, 191 Wn. App. 320, 339 (2015). Defendants' privilege and truth arguments raise factual issues that cannot be resolved at this stage. Pate v. Tyee Motor Inn, Inc., 77 Wn.2d 819, 820–21 (1970).

Branding Plaintiffs as drug addicts, embezzlers, and animal abusers plausibly states defamation and false light and constitutes highly offensive publicity undertaken with knowledge or reckless disregard of falsity. Corey v. Pierce County, 154 Wn. App. 752, 762 (2010).

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Defendants' motion impermissibly asks the Court to weigh evidence and assess credibility. It should be denied.

B. Wrongful Expulsion / Nonprofit Governance

Defendants' statute-of-limitations argument assumes that Plaintiffs' suspension and expulsion were final, effective, and procedurally complete as of the dates Defendants recite. The First Amended Complaint alleges otherwise. Plaintiffs were never served with formal charges, never provided a written complaint identifying alleged rule violations, never afforded a meaningful opportunity to respond, and never issued a final written decision memorializing any disciplinary action. Plaintiffs repeatedly sought clarification and documentation, including in March 2025, and received no response.

Moreover, Plaintiffs remain listed on TICA's suspension roster, reflecting that the challenged status continues to this day. On the facts alleged, the suspension is not a discrete, completed act but an ongoing deprivation. At minimum, the effective date of any suspension or termination, whether the action was final under TICA's governing documents, and whether accrual or tolling applies present factual questions that cannot be resolved on a motion to dismiss.

C. Abuse of Process (California Lawsuit)

Defendants mischaracterize the claim as based on the mere filing of a lawsuit. It is not. Plaintiffs allege that Defendants used and maintained the California action for an ulterior purpose – retaliation, reputational harm, and coercive leverage – after Plaintiffs sought resolution, and

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despite knowing the asserted debt had been extinguished and that personal jurisdiction was lacking. FAC ¶¶ 8, 17(a)(iii)–(v), 173–178.

Abuse of process requires (1) an ulterior purpose and (2) a willful act in the use of process not proper in the regular prosecution of the proceeding. Sea-Pac Co. v. United Food & Com. Workers Local 44, 103 Wn.2d 800, 806 (1985). Both are plausibly alleged here. Washington law does not limit abuse of process to extortionary quid-pro-quo demands; it includes using litigation "as a threat or a club" to obtain collateral advantages outside the scope of the suit. Batten v. Abrams, 28 Wn. App. 737, 746 (1981); Gem Trading Co. v. Cudahy Corp., 92 Wn.2d 956, 960 n.2 (1979).

Because Plaintiffs allege intentional misuse and continuation of the lawsuit for improper ends – not merely its initiation – the claim cannot be dismissed under Rule 12(b)(6).

D. Intentional Infliction of Emotional Distress (Outrage)

Defendants mischaracterize both the allegations and the governing standard. The First Amended Complaint does not allege mere "insults" or "indignities." It alleges a coordinated course of conduct in which Defendants knowingly disseminated false accusations that Plaintiffs were drug addicts, embezzlers, and animal abusers; weaponized those accusations within a close-knit professional community; and used them to justify expulsion, reputational destruction, and retaliatory litigation. FAC ¶¶ 148–156, 182–195. At the pleading stage, these allegations plausibly describe conduct a reasonable jury could find extreme and outrageous.

Defendants' reliance on unrelated protection-order filings from 2020 and 2024 highlights the defect in their argument. Those materials are extraneous to the FAC, not incorporated by reference, and may not be considered for their truth on a Rule 12(b)(6) motion. Khoja v.

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Orexigen Therapeutics, Inc., 899 F.3d 988, 998–1002 (9th Cir. 2018). In any event, past mental-health struggles or substance-use recovery do not render false accusations true or immunize Defendants from liability. Substance-use history does not equate to stealing funds, "snorting up the banquet money," or abusing animals.

The FAC further alleges severe emotional distress, including anxiety, humiliation, reputational harm, and disruption of Plaintiffs' professional and personal lives. FAC ¶¶ 186–195. Plaintiffs need only plausibly allege such distress at this stage, not prove or quantify it. Kloepfel v. Bokor, 149 Wn.2d 192, 195 (2003). Whether conduct is sufficiently extreme and outrageous is ordinarily a fact question unsuitable for resolution on a motion to dismiss. Dicomes v. State, 113 Wn.2d 612, 630 (1989).

Defendants' effort to reframe these allegations as mere insults, or to negate them through extraneous materials, improperly invites fact-finding and credibility determinations. Rule 12(b)(6) does not permit that. The intentional infliction of emotional distress claim is plausibly pled and should not be dismissed.

E. Civil Conspiracy

Defendants' argument misstates both the pleading standard and the allegations in the First Amended Complaint. Under Washington law, civil conspiracy may be pled circumstantially, and an agreement "may be inferred from conduct and surrounding circumstances." Stanislaus Food Prods. Co. v. USS-POSCO Indus., 803 F.3d 1084, 1096 (9th Cir. 2015). Plaintiffs are not required to plead a written agreement or direct evidence of coordination at the Rule 12 stage.

The FAC plausibly alleges an unlawful purpose and unlawful means. Plaintiffs allege coordinated conduct to disseminate false statements, interfere with financial accounts and

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business relationships, deprive Plaintiffs of membership and governance rights without due process, and initiate and maintain litigation for retaliatory purposes rather than to resolve a bona fide dispute. Defamation, tortious interference, conversion, abuse of process, and CPA violations are independently unlawful acts, and a concerted effort to commit them constitutes an unlawful purpose accomplished by unlawful means.

Defendants' assertion that "TICA cannot conspire with itself" is inapposite. Plaintiffs allege a conspiracy among individual defendants, not between TICA and itself. Whether those individuals acted within legitimate corporate authority is a factual issue not resolvable on a motion to dismiss. Defendants' "time-impossible" argument likewise rests on a selective reading of the FAC and raises factual disputes regarding chronology and intent.

Because Plaintiffs plausibly plead concerted action and overt acts in furtherance of tortious conduct, the civil conspiracy claim rises or falls with the underlying tort claims. Where, as here, those claims are adequately pled, the conspiracy claim necessarily survives as well.

F. Conversion

Defendants' argument mischaracterizes both the allegations and the law governing conversion.

Conversion under Washington law requires willful interference with property resulting in deprivation of possession. Burton v. City of Spokane, 16 Wn. App. 2d 769, 773 (2021). The FAC plausibly alleges exactly that. Plaintiffs allege that Defendant Russo withdrew $800 from a PayPal account without authorization and diverted TicketLeap revenue into her personal bank account. FAC ¶¶ 45–46, 125–132. Those allegations describe an affirmative act of taking and unlawful retention of funds belonging to Plaintiffs, sufficient to plead conversion at this stage.

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Defendants' assertion that Plaintiffs "admitted" consent by providing PayPal login information is incorrect. The FAC contains no allegation that Plaintiffs authorized Russo to withdraw funds for personal use or to divert event revenue into her own account. FAC ¶¶ 45–46. Access is not consent to take, and misuse of entrusted access constitutes conversion. See Judkins v. Sadler-Mac Neil, 61 Wn. App. 520, 527 (1991) (conversion may occur where possession is initially lawful but later exercised in an unauthorized manner).

Defendants' reliance on SeaCats' nonparty status also fails. Plaintiffs allege personal financial harm, loss of control over funds, and deprivation of proceeds tied to Plaintiffs' labor, accounts, and contractual relationships. FAC ¶¶ 41–47, 125–132. At the pleading stage, Plaintiffs are not required to resolve ownership questions or corporate formalities; they must plausibly allege deprivation of property in which they had a possessory interest. They have done so.

Finally, Defendants improperly collapse multiple factual allegations into a "laundry list" and ask the Court to resolve authorization, ownership, and intent. Those are factual disputes not suitable for resolution on a motion to dismiss.

The FAC plausibly alleges affirmative acts of taking and unlawful retention of funds. Plaintiffs' conversion claim should not be dismissed.

G. Consumer Protection Act (CPA)

Defendants' Nonprofit Corporations Act argument misstates both the FAC and the governing law. Plaintiffs do not assert standalone statutory causes of action under each cited RCW provision; they allege wrongful suspension and expulsion in violation of TICA's bylaws, governing documents, and Washington nonprofit law, citing specific statutes as sources of duty.

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Rule 8 does not require Plaintiffs to plead a separate claim per statute or adopt Defendants' preferred statutory labels.

Defendants' statute-of-limitations argument also fails. RCW 24.03A.375(5) runs from the "effective date" of a suspension or termination. The FAC alleges Plaintiffs were never served with formal charges, never provided a written statement of rule violations, never afforded a meaningful opportunity to respond, and never issued a final written decision. FAC ¶¶ 136–150.

Plaintiffs further allege they remain listed as suspended and that repeated requests for clarification, including in March 2025, were ignored. At minimum, whether any suspension or termination was final or effective presents factual questions not resolvable on a motion to dismiss. Parker is inapposite because it involved a clear, final termination, which Plaintiffs allege never occurred here.

Finally, Plaintiffs assert individual—not derivative—claims arising from loss of membership rights, reputational harm, and lack of fair procedure. Nothing in RCW 24.03A limits such claims to derivative actions. Dismissal is unwarranted.

These allegations satisfy the CPA.

H. Tortious Interference

Defendants mischaracterize both the allegations and the pleading standard. The FAC plausibly alleges valid business expectancies independent of Defendants, including Plaintiffs' relationships with exhibitors, judges, clubs, vendors, buyers, and show organizers within the broader cat-fancy community. FAC ¶¶ 184–193. Washington law does not require an executed contract or identification of every lost counterparty at the pleading stage; a business expectancy

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includes prospective relationships of pecuniary value. Greensun Grp., LLC v. City of Bellevue, 7 Wn. App. 2d 754, 768 (2019).

Defendants' contention that tortious interference cannot lie because the conduct occurred "within TICA" misstates the claim. Plaintiffs allege interference with third-party relationships through false statements, misuse of authority, and reputational attacks disseminated beyond TICA. FAC ¶¶ 186–193. Liability turns on interference with third parties, not a deteriorated relationship between the litigants themselves. Olympic Fish Prods., Inc. v. Lloyd, 93 Wn.2d 596, 599 (1980).

The FAC further alleges intentional interference by improper means, including knowingly false statements and retaliatory conduct designed to foreclose Plaintiffs' participation in shows, sales, and related professional activities. FAC ¶¶ 186–192. At this stage, Plaintiffs are not required to plead evidentiary detail or prove causation or damages with specificity. Leingang v. Pierce County Med. Bureau, Inc., 131 Wn.2d 133, 157 (1997).

Defendants' remaining arguments challenge factual causation, alternative explanations, and damages—issues properly addressed, if at all, under Rule 56, not Rule 12(b)(6). The tortious-interference claim is plausibly pled and should not be dismissed.

VIII. DIRECTOR IMMUNITY DOES NOT APPLY

Defendants' argument rests on a threshold factual error: they repeatedly identify Frances Cardona as a "director." She is TICA's Business Manager. RCW 24.03A.540 applies only to directors and officers, not employees.

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Even as to actual directors, the statute does not immunize intentional misconduct. The FAC alleges intentional defamation, intentional interference, and intentional misuse of process—conduct outside the statute's protection.

IX. DISMISSAL WITH PREJUDICE IS UNWARRANTED

Defendants identify no incurable defect in the First Amended Complaint. Their arguments rest on disputed facts, selective readings of the pleading, and defenses that are premature at the Rule 12(b)(6) stage. Under these circumstances, dismissal with prejudice would be improper.

Plaintiffs submit that the FAC adequately states each claim. However, to the extent the Court were to identify any technical or pleading deficiency, Plaintiffs respectfully request leave to amend pursuant to Rule 15(a), which should be freely granted in the absence of undue delay, bad faith, or futility.

XI. CONCLUSION

Defendants' Motion to Dismiss rests on a selective reading of the First Amended Complaint, discounts factual allegations that must be accepted as true, and applies a pleading standard inconsistent with Rule 12(b)(6). When the FAC is read as required (holistically and with reasonable inferences drawn in Plaintiffs' favor) it states plausible claims supported by specific factual allegations.

Accordingly, Plaintiffs respectfully request that the Court deny Defendants' Motion to Dismiss in its entirety.

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Respectfully submitted this 2nd day of February 2026.

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